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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,947	03/30/2001	Thomas E. Bleakley	42390.P9477	7597

7590 09/12/2006

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EXAMINER

ASSOUAD, PATRICK J

ART UNIT PAPER NUMBER

2857

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/823,947

EXAMINER
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ART UNIT	PAPER
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20060901

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Patrick J Assouad  
Primary Examiner  
Art Unit: 2857

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>		
	09/823,947		BLEAKLEY, THOMAS E.		
	<b>Examiner</b>		<b>Art Unit</b>		
	Patrick J. Assouad		2857		

**All Participants:**

(1) Patrick J. Assouad.

(2) Jan Little-Washington.

**Date of Interview:** 1 September 2006

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☐ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed: \_\_\_\_\_

Claims discussed: \_\_\_\_\_

Prior art documents discussed: \_\_\_\_\_

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Examiner asked whether Applicant had received last Office Action re: Notice of Non-Responsive Amendment. (It is currently not in the IFW system.) The Examiner will re-mail this action and restart the 1-month response time period.*

**Part III.**

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** \_\_\_\_\_



\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

### DETAILED ACTION

1. The reply filed on 5/2/06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

With respect to independent claim 23, Applicant merely states:

Rejection of Claims 1-6, 11-12, 23-24, and 27-28 Under 35 U.S.C. §102(e)

In paragraph 4 of the Office Action, the Examiner rejected claims 1-6, 11-12, 23-24, and 27-28 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,442,722 B1 to Nadeau-Dostie et al. (hereinafter "Nadeau-Dostie"). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 citing *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir.1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id.

2. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. See 37 CFR 1.111.

3. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Assouad whose telephone number is 571-272-2210. The examiner can normally be reached on Tuesday-Friday, 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patrick J Assouad  
Primary Examiner  
Art Unit 2857

pja